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10/062,400	02/01/2002	James A. Merkle JR.	ECD-0004	1945

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EXAMINER
LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
2131	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/062,400	MERKLE ET AL.
	Examiner	Art Unit	
	Christian La Forgia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 December 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32,34-87 and 89-112</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32,34-87 and 89-112</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/07</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 15 December 2006 has been entered.

2.   Claims 1-32, 34-87, and 89-112 have been presented for examination.

3.   Claims 33 and 88 have been cancelled as per Applicant's request.

Information Disclosure Statement

4.   The information disclosure statements (IDS) submitted after the mailing date of the first

action on 05 February 2007. The submission is in compliance with the provisions of 37

CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

Response to Arguments

5.   Applicant's arguments filed 15 December 2006 have been fully considered but they are

not persuasive.

6.   The Applicant's arguments appear to mischaracterize the Carson reference. On page 21

of the amendment of 15 December 2007, the representative for Applicant states Carson

maintains a constant data rate while changing the velocity of the disc. While the Examiner

concedes that figures 5 and 7 illustrate the changes in disc velocity to maintain a constant data

rate, the Examiner acknowledges that figures 4 and 5 clearly show changes in the data rate at a

constant linear velocity. Furthermore, figure 9, which discloses a read back of the disc to

determine whether to grant access comprises data variations as disclosed in column 9, lines 22-39.

7.   In response to the Applicant's arguments regarding claims 1 and 56 that Carson does not teach a monitor or the monitoring of a transfer rate of read user data in a format that can be processed by the computing device, the Examiner disagrees. As seen in block 276 of Figure 9, as well as column 9, lines 22-39, the optical disc is placed in the read back system, the data is retrieved by an application software program, and the data rate (measurement of a data read back frequency [column 9, lines 38-39, column 1, lines 40-41]) is monitored at certain locations on the disc. Arguing that Carson discloses data symbols that are monitored as pre-processed data structures on the disc that are not converted is another misrepresentation of the reference. The Examiner cited Figure 9 and the associated descriptions to provide a showing of the monitoring performed as claimed by the Applicant. Figure 9, in particular, illustrates the read back of data from the disc. Since, Carson discloses at column 1, lines 43-44 that the read back signal is decoded, the reference provides a showing that the data is monitored in a format that can be processed by the computing device.

8.   Therefore, Carson provides a teaching of a monitor or monitoring the transfer rate of read user data in a format that can be processed by the computing device and the rejection is maintained.

9.   In response to the Applicant's arguments that Carson fails to teach detecting the presence of an anomaly region since Carson does not monitor the output data by the read back system, the Examiner disagrees. It has been established above that Carson discloses monitoring the output data from the read back system since the reference states at column 1, lines 43-44 and column 9,

lines 14-50 that the read back signal is decoded. As per the Applicant's arguments regarding

detecting the presence of an anomaly region, the Examiner draws attention to figure 4, as well as

column 5, lines 39-57, and more particular to column 7, lines 8-27. Carson discloses velocity

disruption zones (Applicant's claimed anomaly region) in the aforementioned cited sections.

Specifically, Carson discloses at column 7, lines 14-27 that the data in zone **184** is written at a

reduced rate, while data in zones **186** and **188** are written at higher data rates.

10.   Therefore, Carson teaches detecting the presence of an anomaly region by monitoring the

output data from the read back signal and the rejection is maintained.

11.   Applicant's arguments that Carson and Kamoto fail to comply with 37 CFR 1.111(b)

because they amount to a general allegation that the claims define a patentable invention without

specifically pointing out how the language of the claims patentably distinguishes them from the

references. The Applicant alleges that Kamoto in combination with Carson does not disclose the

limitations discussed above, stating Kamoto does not disclose the limitations argued above.

Carson was used to reject the argued limitations, and as described above discloses the claim

language in question.

12.   Since Carson and Kamoto is a proper combination of references, the rejection of claims

12, 15, 20, 47, 67, 70, 75 and 102 is proper and therefore maintained.

13.   Applicant's arguments that Carson and Watanabe fail to comply with 37 CFR 1.111(b)

because they amount to a general allegation that the claims define a patentable invention without

specifically pointing out how the language of the claims patentably distinguishes them from the

references. The Applicant alleges that Watanabe in combination with Carson does not disclose

the limitations discussed above, stating Watanabe does not disclose the limitations argued above.

Carson was used to reject the argued limitations, and as described above discloses the claim language in question.

14.   Since Carson and Watanabe is a proper combination of references, the rejection of claims 31 and 86 is proper and therefore maintained.

15.   Applicant's arguments that Carson and Dubois fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The Applicant alleges that Dubois in combination with Carson does not disclose the limitations discussed above, stating Dubois does not disclose the limitations argued above. Carson was used to reject the argued limitations, and as described above discloses the claim language in question.

16.   Since Carson and Dubois is a proper combination of references, the rejection of claims 317-39 and 92-94 is proper and therefore maintained.

17.   Applicant's arguments that Carson and Imai fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The Applicant alleges that Imai in combination with Carson does not disclose the limitations discussed above, stating Imai does not disclose the limitations argued above. Carson was used to reject the argued limitations, and as described above discloses the claim language in question.

18.   Since Carson and Imai is a proper combination of references, the rejection of claims 48-55 and 103-110 is proper and therefore maintained.

19.   See further rejections that follow.

Claim Rejections - 35 USC § 102

20.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

21.   Claims 1, 2, 4-11, 13, 14, 16-19, 21-28, 30, 32-36, 40-46, 56, 57, 59-66, 68, 69, 71-74,

76-83, 85, 87-91, 95-101, 111, and 112 are rejected under 35 U.S.C. 102(e) as being anticipated

by U.S. Patent 6,477,124 to Carson, hereinafter Carson.

22.   As per claims 1 and 56, Carson teaches authenticating a digital medium comprising:

requesting, at a computing device, a read operation of data symbols from a media reading

device (Figure 9, column 9, lines 14-50);

monitoring a transfer rate of read user data from an output of the media reading device to

the computing device resulting from the reading of data symbols stored on a digital medium

installed on the media reading device at a physical location of the digital medium (Figure 9

[blocks 276, 278]), wherein the read user data is in a format that can be processed by the

computing device and wherein the transfer rate is a rate, in data elements per unit time, at which

read data elements are returned from the media device to the computing device in response to the

requesting of the read operation (Figure 3 [block 140], column 6, lines 52-55; column 8, lines

15-43, column 9, lines 14-50, claims 5 & 7, i.e. data transferred at a first rate, and changing the

data rate when detecting a second data rate);

determining, at the computing device, from the monitored transfer rate, the presence of an

anomaly region (Figure 4 [blocks 184, 186, 188]) on the digital medium corresponding to the

physical location of the data symbols on the digital medium by identifying a modification in the

transfer rate of the read user data from the media device to the computing device (Figure 2

[blocks 136, 138], column 2, lines 40-67, column 5, lines 27-67, column 7, lines 7-26, i.e. a

second data rate); and

authenticating the digital medium based on a characteristic of the anomaly region (Figure

9 [blocks 276, 278, 280, 284], column 8, lines 15-43, column 9, lines 14-50, i.e. data rate profile

can be used for disc authentication purposes). According to column 2, lines 31-46 of U.S. Patent

No. 6,958,960 to Sasaki, hereinafter Sasaki, the data read transfer rate is directly related to the

rotational velocity of the information medium. In other words, the higher the rotation velocity,

the higher the read rate, and the lower the rotation velocity, the lower the read rate.

23.   Regarding claims 2 and 57, Carson teaches wherein the digital medium comprises an

optical digital medium (column 1, lines 12-17).

24.   Regarding claims 4 and 59, Carson discloses wherein monitoring comprises monitoring

the transfer rate in real time, as the read user data is transferred from the media reading device to

the computing device (column 4, lines 52-64, column 9, lines 31-50).

25.   Regarding claims 5 and 60, Carson teaches wherein monitoring comprises monitoring the

transfer rate following transfer of the read user data from the media reading device to the

computing device (column 4, lines 52-64, column 9, lines 31-50).

26.   Regarding claims 6 and 61, Carson discloses estimating the monitored data transfer rate

and determining the presence of the anomaly region based on the estimated data transfer rate

(column 4, lines 52-64, column 6, lines 45-67).

27.   Regarding claims 7 and 62, Carson teaches wherein the anomaly region causes a

modification in the transfer rate of the read user data (column 5, lines 40-57, column 7, lines 27-

57, column 8, lines 16-32, i.e. change in data rate).

28.   With regards to claims 8 and 63, Carson discloses wherein the reading of the data

symbols is performed by the media reading device and wherein the modification in the transfer

rate results from the media reading device automatically initiating multiple retries of reading the

data symbols due to the presence of the anomaly region (column 2, lines 48-58, i.e. first data rate

and second data rate cannot be accessed during same operation, but have to have separate

operations).

29.   With regards to claims 9 and 64, Carson teaches wherein the reading of the data symbols

is performed by the media reading device and wherein the modification in the transfer rate

results from the media reading device automatically slowing down the reading of the data due

the presence of the anomaly region (Figure 9, column 5, lines 27-57, column 6, lines 45-55,

column 9, lines 14-50).

30.   Regarding claims 10 and 65, Carson teaches wherein the anomaly region is located at a

predetermined location on the digital medium (Figures 8 [blocks 256, 260, 262], 9 [blocks 274,

276], column 8, lines 16-58, column 9, lines 3-50).

31.   With regards to claim 11, 14, 66, and 69, Carson teaches wherein the predetermined

location comprises an absolute address on the digital medium (Figure 9 [blocks 276, 278],

column 9, lines 3-50).

32.   Regarding claims 13 and 68, Carson teaches wherein the anomaly region is at a location

on the digital medium that is analytically determined as a result of the step of determining the

presence of the anomaly region (Figure 3 [block 140], column 6, lines 52-55; column 8, lines 15-

32, claims 5 & 7, i.e. detecting a change in the data rate).

33.   Regarding claims 16 and 71, Carson teaches wherein the anomaly region comprises a

first anomaly region and further comprising:

        determining, from the monitored transfer rate, the presence of a second anomaly region

on the digital medium corresponding to a second physical location of second data symbols on the

digital medium (Figure 3 [block 140], column 6, lines 52-55; column 8, lines 15-32, claims 5 &

7, i.e. detecting a change in the data rate); and

        wherein a relative location of the second anomaly region is determined relative to the

location of first anomaly region (Figures 8 [blocks 256, 260, 262], 9 [blocks 274, 276], column

8, lines 16-58, column 9, lines 3-50).

34.   With regards claims 17 and 72, Carson teaches wherein authenticating is further based on

the determined relative location (column 8, lines 16-32).

35.   With regards to claims 18 and 73, Carson discloses wherein the second anomaly region is

located at a predetermined location on the digital medium (Figures 2 [blocks 136, 138], 4 [blocks

184, 186, 188], column 2, lines 40-67, column 5, lines 27-67, column 7, lines 7-47).

36.   With regards to claims 19 and 74, Carson teaches wherein the second anomaly region is

at a location on the digital medium that is analytically determined as a result of the step of

determining the presence of the second anomaly region (Figures 2 [blocks 136, 138], 4 [blocks

184, 186, 188], column 2, lines 40-67, column 5, lines 27-67, column 7, lines 7-47).

37.   Regarding claims 21 and 76, Carson teaches wherein the characteristic is the location of

the anomaly region in the read user data, and wherein if the location of the anomaly region in the

read user data matches the physical location of the anomaly region corresponding to the data

symbols, then the digital medium is determined as authentic (Figure 9 [blocks 278, 284], column

8, lines 15-43, column 9, lines 40-50).

38.   With regards to claims 22 and 77, Carson discloses wherein if the location of the anomaly

region in the read user data does not match the physical location of the anomaly region

corresponding to the data symbols, then the digital medium is determined as non-authentic

(Figure 9 [blocks 278, 282], column 8, lines 15-43, column 9, lines 40-50).

39.   Regarding claims 23 and 78, Carson teaches controlling user access to the user data read

from the digital medium based on whether the digital medium is authentic (figure 9 [blocks 282,

284], column 9, lines 40-50, i.e. grant/deny access).

40.   With regards to claims 24 and 79, Carson discloses wherein controlling comprises one of

allowing access, disallowing access, and limiting access to the user data read from the digital

medium (Figure 9 [blocks 282, 284], column 9, lines 40-50, i.e. grant/deny access).

41.   Regarding claims 25 and 80, Carson teaches wherein the determination of the presence of

the anomaly region results from a difficulty in the reading of the read user data by a reading

device (Figures 2 [blocks 136, 138], 4 [blocks 184, 186, 188], 9, column 2, lines 40-67, column

5, lines 27-67, column 7, lines 7-26, column 9, lines 14-50).

42.   Regarding claims 26 and 81, Carson discloses wherein the anomaly region comprises a

physical alteration of the digital medium that results in the user data corresponding to the

anomaly region being transferred at a transfer rate that is different than a standard transfer rate of

user data not corresponding to the anomaly region (column 4, lines 52-64, column 5, lines 27-

57).

43.   With regards to claims 27 and 82, Carson teaches wherein the physical alteration of the

digital medium comprises a mechanical alteration (column 6, lines 45-67, i.e. change the

rotational velocity of the disk).

44.   With regards to claims 28 and 83, Carson discloses wherein the physical alteration of the

digital medium comprises an optical alteration (column 4, lines 52-64, column 5, lines 27-57).

45.   Regarding claims 30 and 85, Carson teaches wherein the steps for performing the

authentication reside in software code that is previously stored on the digital medium, prior to

authentication (Figures 8 [blocks 262], 9 [block 274], column 9, lines 3-30).

46.   Regarding claims 32 and 87, Carson discloses wherein a known characteristic of the

anomaly region is previously stored, prior to authentication, and wherein authenticating the

digital medium based on a characteristic of the anomaly region comprises comparing the

characteristic to the known characteristic (Figures 8 [block 262], 9 [blocks 274, 278], column 9;

line 3-50).

47.   With regards to claims 34 and 89, Carson discloses wherein the modification in the

transfer rate comprises a reduction in the transfer rate and wherein the anomaly region is

identified based on the extent of the reduction (column 7, lines 27-48).

48.   With regards to claims 35 and 90, Carson teaches wherein the modification in the transfer

rate comprises a reduction in the transfer rate to a resultant non-zero transfer rate (column 7,

lines 27-48).

49.   Concerning claims 36 and 91, Carson discloses wherein the resultant non-zero transfer

rate results in a determination that the anomaly region is a genuine anomaly region (column 7,

lines 27-48).

50.   With regards to claims 40 and 95, Carson teaches wherein the modification in the transfer

rate comprises an increase in the transfer rate, and wherein the characteristic is determined based

on the increase (column 5, lines 40-57).

51.   With regards to claims 41 and 96, Carson discloses wherein the modification in the

transfer rate comprises a response comprising an acceptable reduction in the data transfer rate

followed by a sudden increase in the transfer rate to an increased transfer rate that is greater than

a maximum transfer rate (column 4, line 52 to column 5, line 25).

52.   Concerning claims 42 and 97, Carson teaches wherein the response indicates that an

apparent anomaly region generated by an external source has been detected (column 8, lines 15-

32, i.e. detecting lack of data rate change).

53.   Concerning claims 43 and 98, Carson discloses filtering the apparent anomaly region

such that authenticating is not based on the apparent anomaly region (column 7, lines 39-47, i.e.

"decoy data").

54.   Regarding claims 44 and 99, Carson teaches wherein authenticating is based on a

characteristic of multiple anomaly regions (Figure 9 [blocks 276, 278], column 9, lines 31-50).

55.   Regarding claims 45 and 100, Carson discloses wherein authenticating is based on

multiple characteristics of the anomaly region (Figure 9 [blocks 276, 278], column 9, lines 31-

50).

56.   Regarding claims 46 and 101, Carson teaches wherein the anomaly characteristic

comprises anomaly severity (column 9, lines 3-50).

57.   Regarding claims 111 and 112, Carson discloses wherein the monitoring the transfer rate

of read data from the media device to the computing device results from the reading of valid data

stored on the digital medium (Figure 9, column 9, lines 14-50).

Claim Rejections - 35 USC § 103

58.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

59.   Claims 3, 29, 58, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carson.

60.   Regarding claims 3 and 58, Carson does not disclose wherein the digital medium

comprises a magnetic digital medium.

61.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to record the digital medium on a magnetic digital medium, since Carson states at

column 9, lines 51-67 that such a modification could be used for forensic tracking, thereby

providing a means for preventing and tracking the pirating of data.

62.   With regards to claims 29 and 84, Carson does not teach wherein the physical alteration

of the digital medium comprises a magnetic alteration.

63.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to magnetically alter the digital medium, since Carson states at column 9, lines 51-67

that such a modification could be used for forensic tracking, thereby providing a means for

preventing and tracking the pirating of data.

64.   Claims 12, 15, 20, 47, 67, 70, 75, and 102 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Carson in view of U.S. Patent No. 5,708,649 to Kamoto et al., hereinafter

Kamoto.

65.   Concerning claims 12, 15, 20, 47, 67, 70, 75, and 102, Carson does not teach wherein the

absolute address represents an encoded data value.

66.   Kamoto discloses wherein the absolute address represents an encoded data value (Figure

9, column 6, lines 16-64).

67.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made for the absolute address to represent an encoded data value, since Kamoto states at

column 6, lines 16-34 that such a modification would enable reproduction of a disk by

scrambling and correcting the data using the encoding process.

68.   Claims 31 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson

in view of U.S. Patent No. 6,775,227 to Watanabe et al., hereinafter Watanabe.

69.   Regarding claims 31 and 86, Carson does not disclose wherein the steps for performing

the authentication reside in firmware that is stored in a media drive performing the authentication

or in a computing device controlling the media drive, or stored in firmware controlling the media

drive, or stored remotely and provided to the media drive by a network connection.

70.   Watanabe teaches wherein the steps for performing the authentication reside in firmware

that is stored in a media drive performing the authentication or in a computing device controlling

the media drive, or stored in firmware controlling the media drive, or stored remotely and

provided to the media drive by a network connection (column 4, lines 28-34).

71.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to store authentication information in the reading/reproduction apparatus, since

Watanabe states at column 4, lines 35-39 that such a modification would prohibit the use of disks

that where reproduced through unauthorized copying, thereby preventing the pirating of

software.

72.   Claims 37-39 and 92-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carson in view of U.S. Patent Application Publication No. 2002/0142248 to Dubois et al.,

hereinafter Dubois.

73.   With regards to claims 37 and 92, Carson does not disclose wherein the modification in

the transfer rate comprises a reduction in the transfer rate to a resultant zero transfer rate.

74.   Dubois teaches wherein the modification in the transfer rate comprises a reduction in the

transfer rate to a resultant zero transfer rate (paragraph [0076], i.e. temporarily unreadable).

75.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have the transfer rate drop to zero for authentication purposes, since Dubois states

at paragraph [0077] that such a modification can be used to serve as a verification of the

authenticity of the disk.

76.   Concerning claims 38 and 93, Carson teaches wherein the resultant zero transfer rate

results in a determination that the anomaly region is a false anomaly region (column 7, lines 27-

47, i.e. "decoy data").

77.   Concerning claims 39 and 94, Carson teaches wherein the false anomaly region indicates

that the digital medium is non-authentic (column 7, lines 27-47, column 8, lines 15-32).

78.   Claims 48-55 and 103-110 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Carson in view of U.S. Patent 5,799,145 to Imai et al., hereinafter Imai.

79.   Regarding claims 48 and 103, Carson does not disclose wherein monitoring further

comprises recording prior settings of the reading device prior to reading; and restoring the prior

settings of the reading device following authenticating.

80.   Imai teaches wherein monitoring further comprises recording prior settings of the reading

device prior to reading; and restoring the prior settings of the reading device following

authenticating (column 1, lines 22-38).

81.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to reset the settings after reading from the device, since Imai discloses at column 1,

lines 22-38 that such a modification would restore the authentication settings so that the data

could not be accessed until the authentication process was carried out again, thereby protecting

the data stored on the disk.

82.   With regards to claims 49 and 104, Imai teaches wherein, following recording of the prior

settings of the media recording device, the media reading device is reset (column 1, lines 22-37).

83.   Concerning claims 50 and 105, Imai discloses wherein following recording of the prior

settings of the media recording device, a cache on the media reading device is reset (column 1,

lines 22-37).

84.   With regards to claims 51 and 106, Imai discloses selecting a data block size for the

media reading device (Figure 1 [blocks 11-13], 3, column 4, lines 5-26).

85.   With regards to claims 52 and 107, Carson and Imai do not teach disabling excessive retry attempts by the media reading device.

86.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to disable excessive retry attempts by the media reading device, since one of ordinary skill in the art clearly recognizes the need to prohibit what are known as brute force attacks, when would-be malicious users repeatedly try to break into a device by retrying and retrying.

87.   With regards to claims 53 and 108, Carson discloses reading locations of the digital medium known to be free of anomaly regions in order to determine a maximum transfer rate (column 4, lines 52-64, column 6, lines 27-67).

88.   With regards to claims 54 and 109, Carson discloses ceasing reading when an anomaly location has been encountered (Figure 9 [block 282], column 9, lines 40-50).

89.   With regards to claims 55 and 110, Carson teaches storing the read user data for statistical analysis (Figures 4-7, 9 [blocks 274, 276], column 8, lines 16-43).

Conclusion

90.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

91.   The following patents are cited to further show the state of the art with respect to monitoring the data rate of discs, such as:

United States Patent No. 4,734,796 to Grynberg et al., which is cited to show preventing the unauthorized copying of discs by altering characteristics on the disc.

United States Patent No. 5,982,886 to Itami et al., which is cited to show preventing the unauthorized copy of discs by having different storage areas on disc.

92.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

93.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

94.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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